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9200

Dkt. 52130-A-PCT-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Dietmar Spengler and Laurent Journot  
Serial No. : 09/254,870 Examiner: C. Patterson  
Filed : August 16, 1999 Group Art Unit: 1652  
For : NUCLEIC ACID MOLECULES CODING FOR TUMOR  
SUPPRESSOR PROTEINS AND METHODS FOR THEIR  
ISOLATION

1185 Avenue of the Americas  
New York, New York 10036  
August 8, 2003

BY HAND

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Attn: Crystal Mall 1  
7th Floor Reception  
1911 South Clark Place  
Arlington, VA 22202

RECEIVED

AUG 20 2003

TECH CENTER 1600/2900

COMMUNICATION FORWARDING COPY OF PETITION  
UNDER 37 C.F.R. §1.8(b) TO WITHDRAW HOLDING OF ABANDONMENT

This is a Communication forwarding a copy of a July 10, 2002 Petition under 37 C.F.R. §1.8(b) to Withdraw Holding of Abandonment issued May 10, 2002 by the U.S. Patent and Trademark Office in connection with the above-identified application. A copy of the Petition is annexed hereto as **Exhibit 1**. According to Miss Raquel Miller at Technology Center 1600 during an August 5, 2003 telephone conference with Jeffrey Shieh, Esq. of the undersigned attorney's office, the July 10, 2002 Petition is not in the possession of the Patent Office. However, the return postcard, a copy of which is attached hereto as **Exhibit 2**, indicates that the Petition was

Applicants: Dietmar Spengler and Laurent Journot  
Serial No.: 09/254,870  
Filed: August 16, 1999  
Page 2

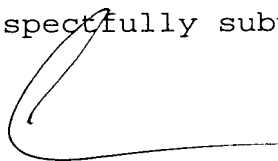
received by the Patent Office on July 16, 2002.

Accordingly, applicants respectfully request that the annexed copy of the Petition be considered, the Holding of Abandonment be withdrawn, and the subject application proceed to issuance.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorneys invite the Examiner to telephone at the number provided below.

No fee is deemed necessary in connection with the filing of this Communication. However, if any fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,



---

John P. White  
Registration No. 28,678  
Alan J. Morrison  
Registration No. 37,399  
Attorneys for Applicants  
Cooper & Dunham LLP  
1185 Avenue of the Americas  
New York, New York 10036  
(212) 278-0400



Docket 52130-A-PCT-US/JPW/AJM/AHM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Dietmar Spengler and Laurent Journot  
Serial No. : 09/254,870 Examiner: C. Patterson  
Filed : August 16, 1999 Group Art Unit: 1652  
For : NUCLEIC ACID MOLECULES CODING FOR TUMOR  
SUPPRESSOR PROTEINS AND METHODS FOR THEIR  
ISOLATION

1185 Avenue of the Americas  
New York, New York 10036  
July 10, 2002

Assistant Commissioner for Patents  
Washington, D.C. 20231

**RECEIVED**

Sir:

**AUG 20 2003**

PETITION UNDER 37 C.F.R. §1.8(b)  
TO WITHDRAW HOLDING OF ABANDONMENT

**TECH CENTER 1600/2900**

This is a Petition under 37 C.F.R. §1.8(b) to withdraw the Notice of Abandonment issued May 10, 2002 in connection with the above-identified application. The May 10, 2002 Notice indicates that the subject application was abandoned for applicants' alleged failure to timely submit new formal drawings. A copy of the May 10, 2002 Notice is attached as **Exhibit A**. A petition under 37 C.F.R. §1.8(b) requires that applicant: (1) informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence; (2) supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and (3) includes a statement which attests on a personal knowledge basis or to the satisfaction of the Commissioner to the previous timely mailing or transmission.

Pursuant to 37 C.F.R. §1.8(b)(1), this Petition is being filed promptly after applicants' undersigned attorney became aware

Applicants: Dietmar Spengler and Laurent Journot  
Serial No.: 09/254,870  
Filed: August 16, 1999  
Page 2

that the U.S. Patent Office has no evidence of receipt of the new formal drawings.

A Notice of Allowance was issued in the subject application on September 28, 2001 requiring applicants to submit new formal drawings by December 28, 2001. A copy of the September 28, 2001 Notice of Allowance is attached as **Exhibit B**.

In response to the September 28, 2001 Notice of Allowance, applicants timely submitted new formal drawings on December 28, 2001.

As evidence of that submission, and pursuant to 37 C.F.R. §1.8(b)(2), applicants attach as **Exhibit C** copies of the Communication Forwarding Formal Drawings with a certificate of mailing dated December 28, 2001, and the formal drawings forwarded therewith. In addition, applicants attach as **Exhibit D** a copy of the postcard which accompanied the Communication Forwarding Formal Drawings and the formal drawings in order for the U.S. Patent and Trademark Office to acknowledge receipt of the formal drawings. Furthermore, applicants submit as **Exhibit E** a copy of the undersigned attorney's law firm's internal docketing records for the subject application. The relevant portion of this record is highlighted to indicate that the law firm's internal docketing record reflects that the required formal drawings were timely mailed on December 28, 2001. Moreover, in accordance with 37 C.F.R. §1.8(b)(3), applicants submit as **Exhibit F** a declaration of the undersigned attorney attesting to the timely mailing of the formal drawings.

Finally, applicants submit as **Exhibit G** a replacement set of formal drawings.

Applicants: Dietmar Spengler and Laurent Journot  
Serial No.: 09/254,870  
Filed: August 16, 1999  
Page 2

Accordingly, applicants note that the requirements of 37 C.F.R. §1.8(b) have been met and respectfully request that the Notice of Abandonment be withdrawn and the subject application proceed to issuance.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone at the number provided below.

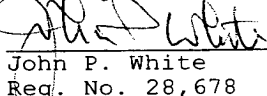
No fee is deemed necessary in connection with the filing of this Petition. However, if any fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,



John P. White  
Registration No. 28,678  
Attorney for Applicants  
Cooper & Dunham LLP  
1185 Avenue of the Americas  
New York, New York 10036  
(212) 278-0400

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:  
Assistant Commissioner for Patents,  
Washington, D.C. 20231.

 7/10/02  
John P. White Date  
Reg. No. 28,678



UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER 09/051/570	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
		EXAMINER	
		ART UNIT	PAPER NUMBER P#19



NOTICE OF ABANDONMENT

DATE MAILED:

27 Mar. Response: 7/10/2002

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AUG 20 2003

TECH CENTER 1600/2900

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_ (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_, which is after the expiration of the period for reply (including a total extension of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
- ☐ A reply (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection.
- ☐ A proposed reply was received on \_\_\_\_\_ (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- ☐ No reply has been received.
- ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
- ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance.
- ☐ The submitted fee of \$ \_\_\_\_\_ is insufficient. A balance of \$ \_\_\_\_\_ is due.
- ☐ The issue fee required by 37 CFR 1.18 is \$ \_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$ \_\_\_\_\_. The issue fee and publication fee, if applicable, has not been received.
- ☒ Applicant's failure to timely file new formal drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).
- ☐ Proposed new formal drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
- ☐ The proposed new formal drawings have been received.
- ☒ No proposed new formal drawings are not acceptable and the period for reply has expired.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below:

ABANDONMENT

CONTACT PERSON IS:  
TOM HAWKINS - 305-8380  
305-8380

\*U.S. GPO: 2000-472-999/43202

MARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
PENGLER	<del>147-183PCT</del>	7692

EXAMINER

PATTERSON, CHARLES L JR

ART UNIT

PAPER NUMBER

1652

D# 19

DATE MAILED: 05/10/2002

Received an Office communication concerning this application or proceeding.

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AUG 20 2003

TECH CENTER 1600/2900



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

NOTICE OF ALLOWANCE AND ISSUE FEE DUE

HMJ 2/10/2004

DUPPER & DUNHAM  
1185 AVENUE OF THE AMERICAS  
NEW YORK NY 10036

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED		
09/254-870	09/10/99	011	PATTERSON, C	1652 09/28/01		
25 USC 154(b) term ext. = 0 Days.						
Inventor: SPENGLER, R.						
Title: NOVEL ACID MOLECULES CURING FOR TUMOR SUPPRESSOR PROTEINS AND METHODS FOR THEIR ISOLATION						
ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
147-183PCT	439-000.000	NTE	UTILITY	YES	\$620.00	12/28/01

**APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT.  
PROSECUTION ON THE MERITS IS CLOSED.**

**ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS  
APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.**

**HOW TO RESPOND TO THIS NOTICE:**

Review the SMALL ENTITY status shown above.  
If the SMALL ENTITY is shown as YES, verify your  
current SMALL ENTITY status:

If the status is changed, pay twice the amount of the  
FEE DUE shown above and notify the Patent and  
Trademark Office of the change in status, or  
If the status is the same, pay the FEE DUE shown  
above.

If the SMALL ENTITY is shown as NO:

A. Pay FEE DUE shown above, or

B. File verified statement of Small Entity Status before, or with,  
payment of 1/2 the FEE DUE shown above.

Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your  
ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal  
should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part  
B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.  
All communications regarding this application must give application number and batch number.  
Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of  
maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance  
fees when due.**

YOUR COPY



52130-A-F -US

JPW

## Notice of Allowability

Application No.

09/254,870 ✓

Applicant(s)

SPENGLER ET AL.

Examiner

Charles L. Patterson, Jr.

Art Unit

1652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

☒ This communication is responsive to mandment filed 9/19/01.

☒ The allowed claim(s) is/are 17-24,36,39 and 49.

☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.

☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some\* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_

☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

(a) ☐ The translation of the foreign language provisional application has been received.

☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

IF EORWS. 12.28.01

AP

OCT - 1 2001

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

☒ CORRECTED DRAWINGS must be submitted.

(a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☒ to Paper No. 15.

(b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.

(c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the top margin (not the back) of each sheet. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

☐ Notice of References Cited (PTO-892)

☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

☒ Information Disclosure Statements (PTO-1449), Paper No. \_\_\_\_\_

☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

2 ☐ Notice of Informal Patent Application (PTO-152)

4 ☐ Interview Summary (PTO-413), Paper No. \_\_\_\_\_

6 ☒ Examiner's Amendment/Comment

8 ☒ Examiner's Statement of Reasons for Allowance

9 ☐ Other

CHARLES L. PATTERSON, JR.  
PRIMARY EXAMINER  
GROUP 1800

Art Unit: 1652

EXAMINER'S AMENDMENT AND REASONS FOR ALLOWANCE

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Alan J. Morrison on September 27, 2001.

Delete claims 25-35, 37-38, 40 and 42-48.


The following is an examiner's statement of reasons for allowance: Applicants have overcome all of the previous rejections by canceling or amending the claims. As to the 35 USC 112 first paragraph rejection, the examiner agrees with applicants' characterization of the two references submitted to overcome it.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles L. Patterson, Jr., PhD, whose telephone number is 703-308-1834. The examiner can normally be reached on Monday - Friday, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathapura Achutamurthy can be reached on 703-308-3804. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7401 for regular communications and 703-308-0294 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196.

  
Charles L. Patterson, Jr.  
Primary Examiner  
Art Unit 1652

Patterson  
September 27, 2001



Dkt. 52130-A-PCT-US/JPW/YG

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Dietmar Spengler and Laurent Journot  
Serial No. : 09/254,870 Examiner: C. Patterson  
Filed : August 16, 1999 Group Art Unit: 1652  
For : NUCLEIC ACID MOLECULES CODING FOR TUMOR  
SUPPRESSOR PROTEINS AND METHODS FOR THEIR  
ISOLATION

Date of Notice of

Allowance : September 28, 2001 Issue Batch No.: M75

1185 Avenue of the Americas  
New York, New York 10036  
December 28, 2001

Assistant Commissioner for Patents  
Washington, D.C. 20231

ATTN: OFFICIAL DRAFTSPERSON

COMMUNICATION FORWARDING FORMAL DRAWINGS

This Communication is submitted in response to the Notice of Allowance dated September 28, 2001 which was issued by the U.S. Patent and Trademark Office in connection with the above-identified application. A response to the September 28, 2001 Notice of Allowance is due December 28, 2001. Accordingly, this communication is being timely filed.

In the September 27, 2001 Notice, the Examiner required applicants to submit new corrected drawings including the drawing corrections specified in the December 21, 1999 Notice of Draftsperson's Patent Drawing Review. The December 21, 1999 Drawing Review stated that for Figures 4A, 6D, 8, 10 and 13 the photographs are of poor quality; for Figure 3 the left margin do not conform to requirements; for Figures 1B, 1C, 4B, 4C, 5B and 5C - 6D the views are not labeled properly or separately ; for Figures 1A - 13 the lines, numbers and letters are not uniformly thick and well defined, clean, durable and black, as well as the numbers and reference numbers are not plain and legible and the figure legends are poor.

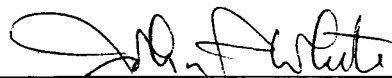
Dietmar Spengler and Laurent Journot  
Serial No.: 09/254,870  
Filed: August 16, 1999  
Page 2

In response, applicants attach hereto as **Exhibit A**, twenty-seven (27) sheets of new, corrected formal drawings for Figures 1A - 13.

Applicants note that U.S. Patent and Trademark Office waived 37 C.F.R. §1.84 (b) (1) in a notice published in the August 4, 1998 Official Gazette. Therefore, a petition under 37 C.F.R. §1.84 (b) (1) including three sets of photographs mounted on bristol board and a petition fee of 130.00 is no longer required for photographs to be accepted.

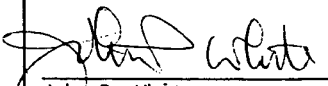
No fee is deemed necessary in connection with the filing of this Communication. However, if any fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,



John P. White  
Registration No. 28,678  
Attorney for Applicants  
Cooper & Dunham LLP  
1185 Avenue of the Americas  
New York, New York 10036  
(212) 278-0400

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.



John P. White  
Reg. No. 28,678

12/28/01  
Date



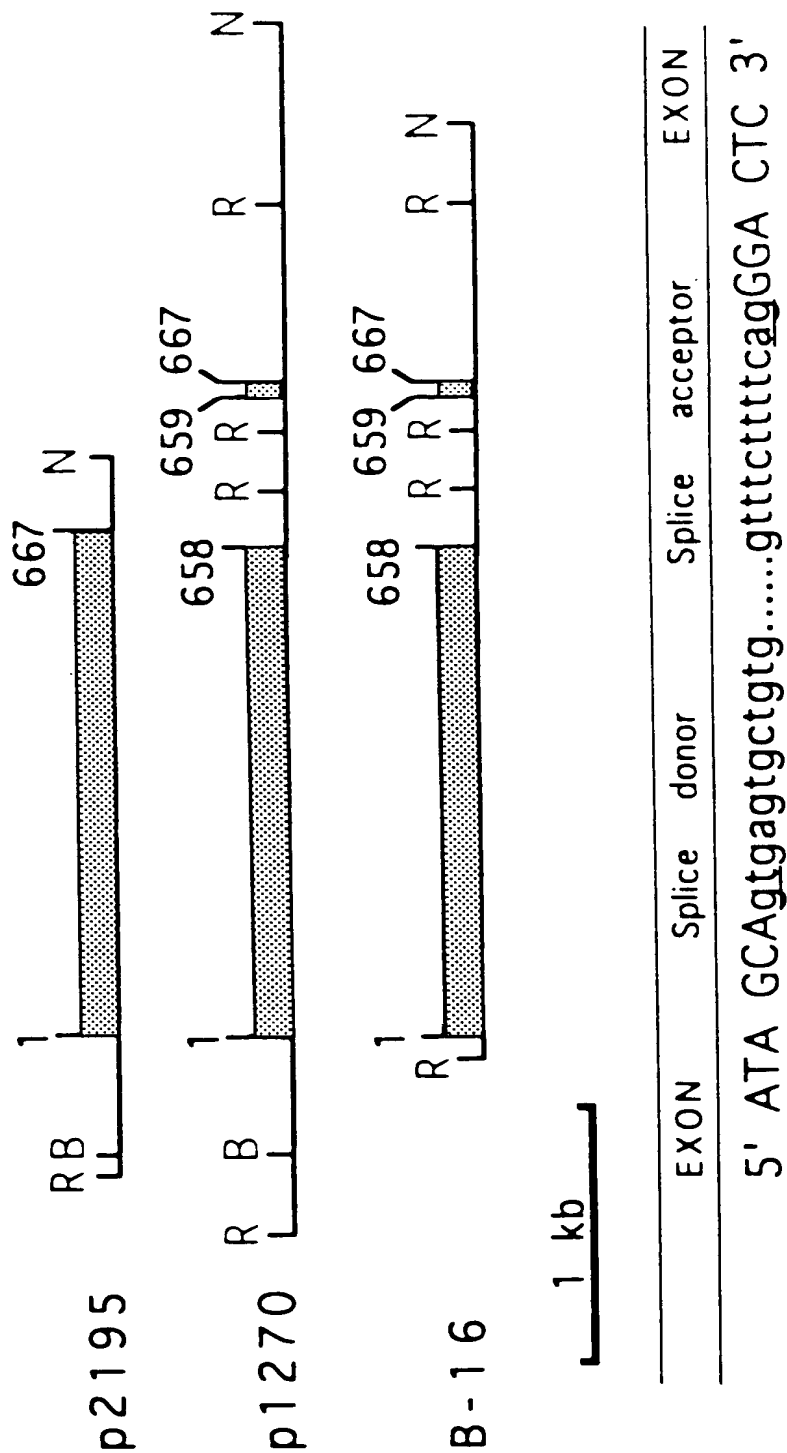
1/27

FIGURE 1A 1 MAPFR[C]QK[C]G 40  
41 KAFVSKYKLM 41 IH[N]YSH[SRER] PFK[C]SKAE[C]G 40  
81 LQTH[DPN]KIS 81 IHQ[C]TH[CEKT] FNRKDHLKNH 80  
121 TC[GV]C[TL]ELG 121 HTMLGYKRH[L] ALH[SAS]NGDL 120  
161 CDRCFYTRKD 161 SH[AEE]KANQA PREKKYQ[C]DH 160  
201 RH[TKK]T[HS]QE 201 CKDFL[C]QF[C]A QRFGRKDHLT 200  
241 MPPFQLGAAP 241 YQSNFQLIAP STSFQIKVDP 240  
281 EPLEPLEPLE 281 EVHGLVLAAP EEAPQPMPL 280  
321 PLEPLEPLE 321 LQPLEPMQPL EPMQPLEPMQ 320  
361 MLPQMPLPM 361 EPMQPMPLPMQ PMQPMQPMQ 360  
401 IILQEHKYNP 401 PMPEPSFTLH PGVVPTSPPP 400  
441 LQEPQAPLKF 441 MPVKADGKAF CNVGFFEEFP 440  
481 ASLEISSLLG 481 FGKVTLSKEL LVDAVNIAP 480  
521 TCLAQQQPPP 521 NGFVNSTIPV GPGEPLPHRI 520  
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667 VYKKWTV 667  
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2/27

FIGURE 1B





3/27

FIGURE 1C

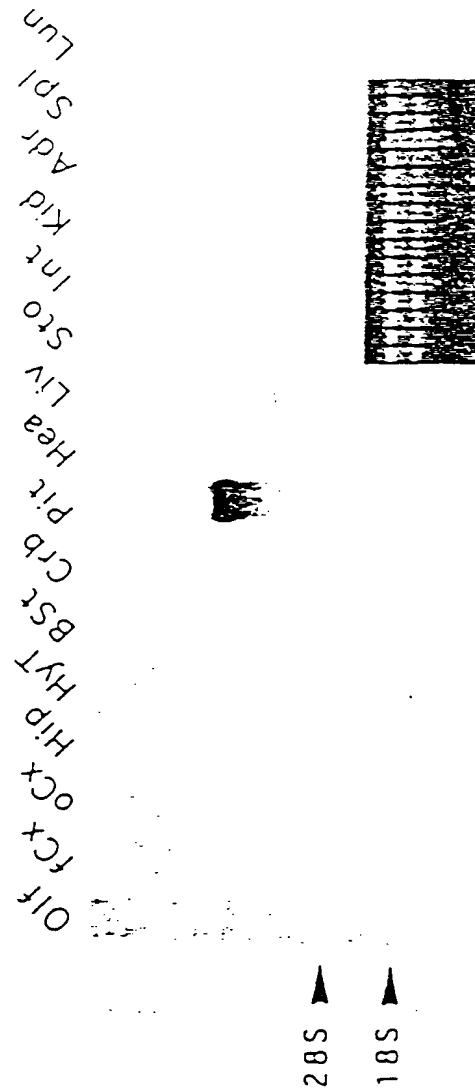
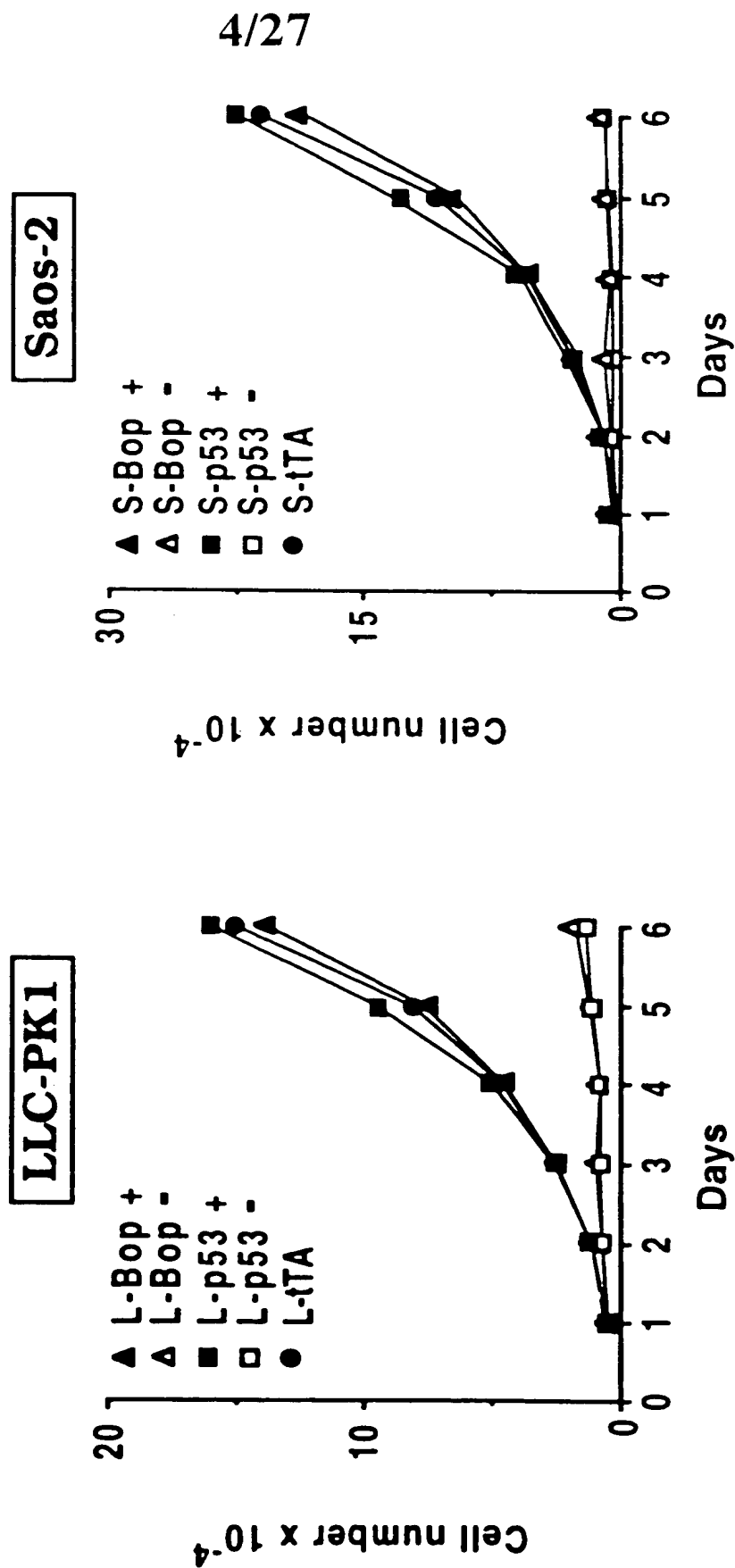




FIGURE 2A





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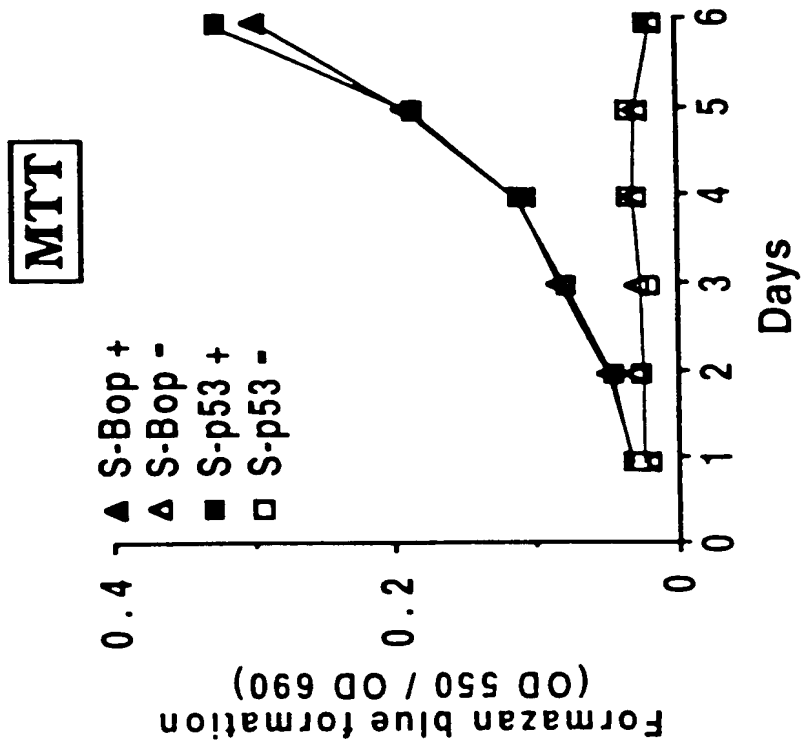
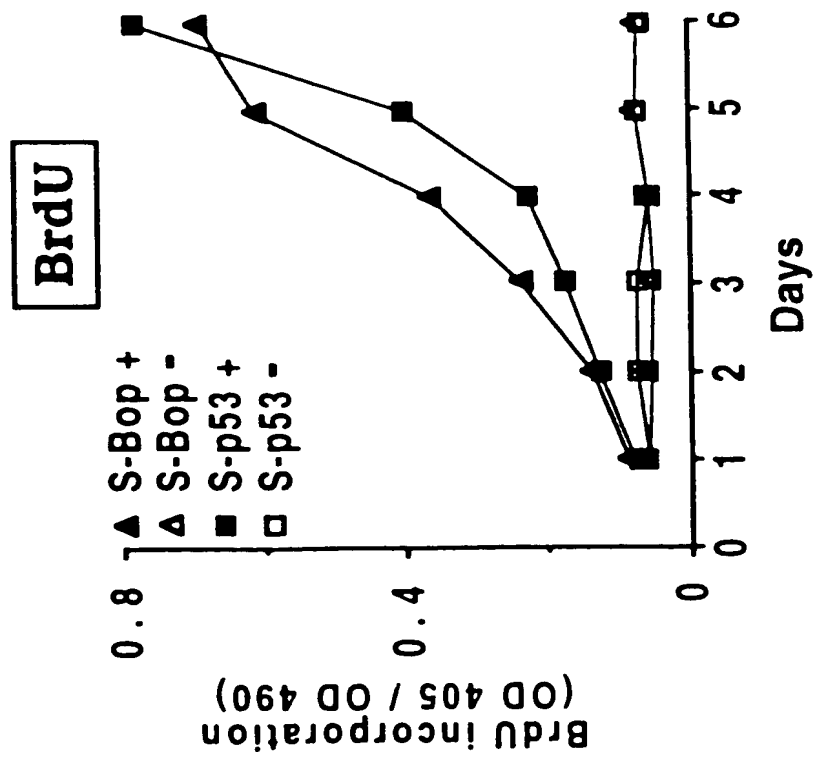
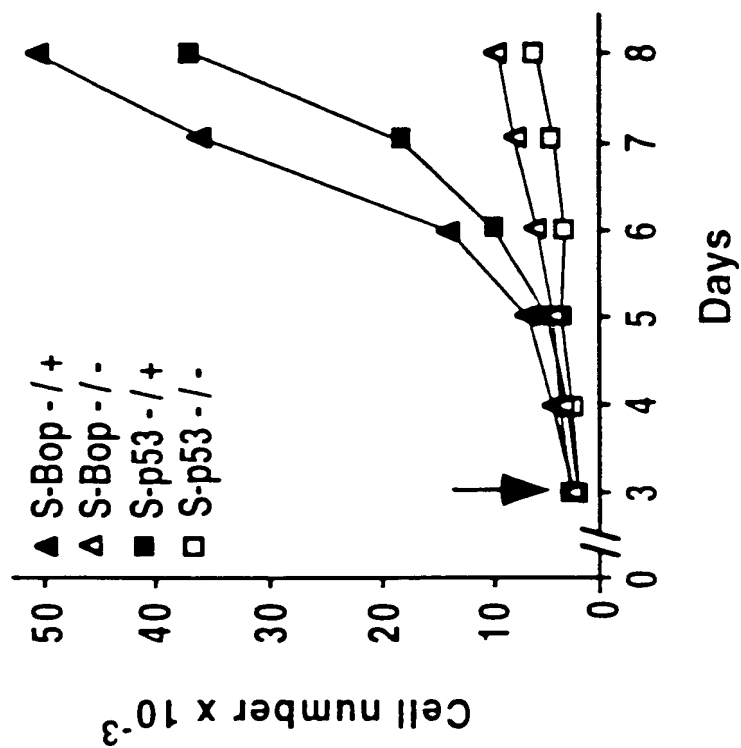


FIGURE 2B



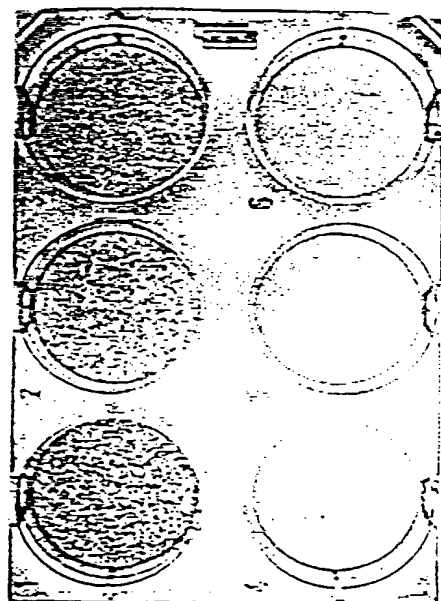
**6/27**

## FIGURE 2D





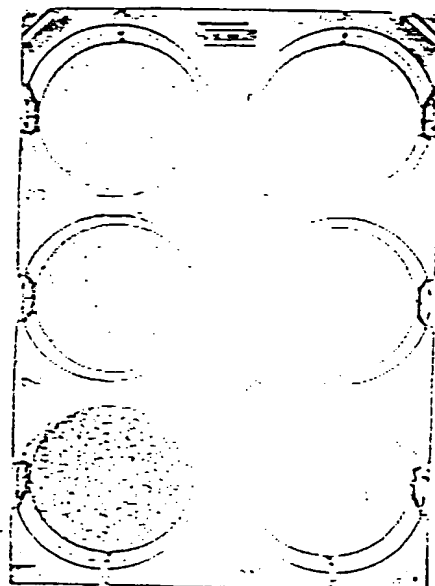
7/27



S-Bop

+

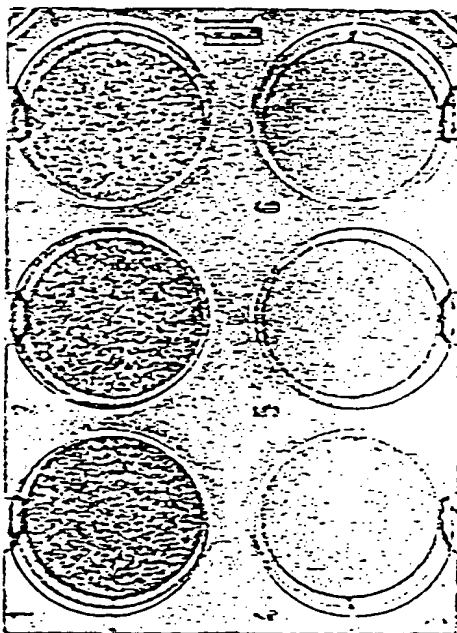
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S-p53

+

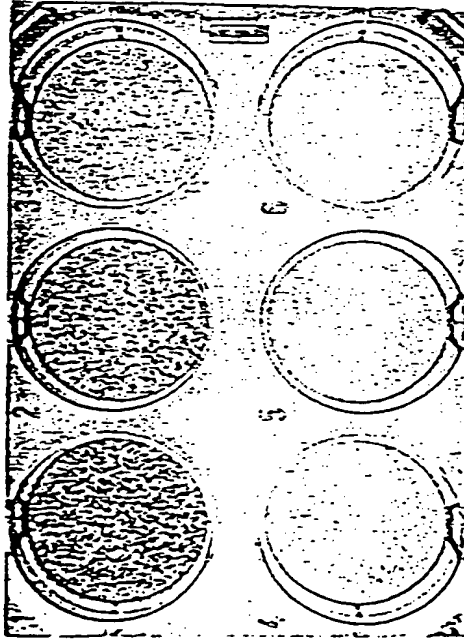
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L-Bop

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L-p53

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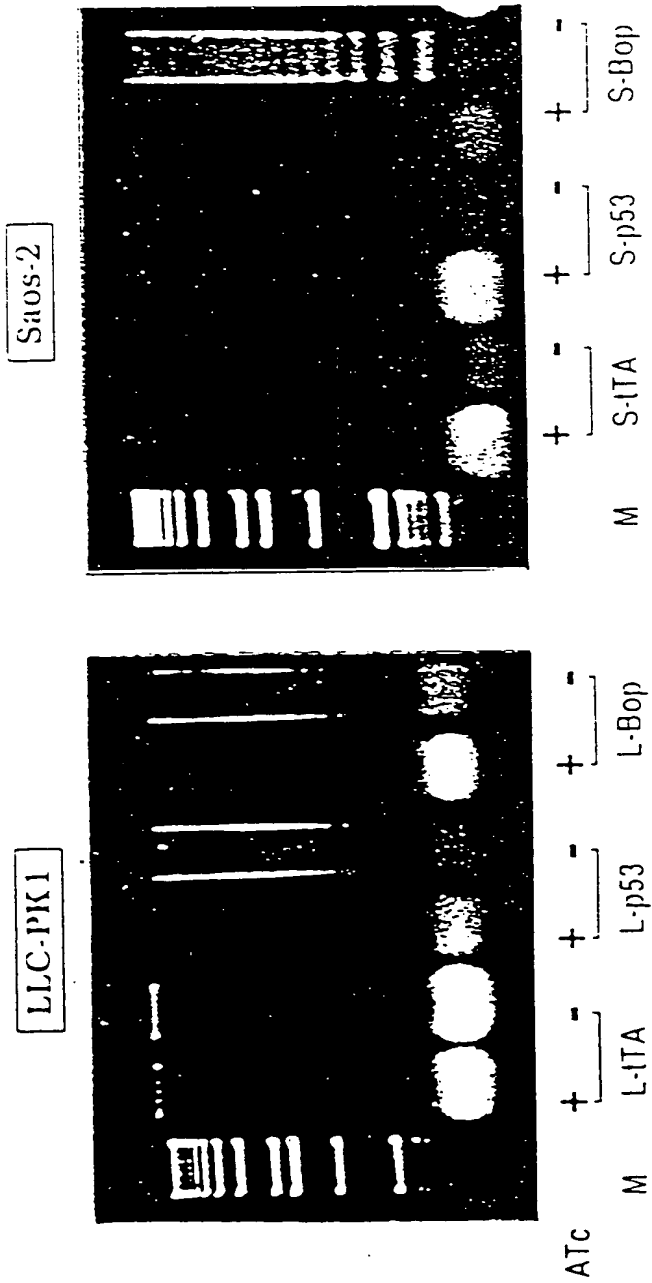
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FIGURE 3



8/27

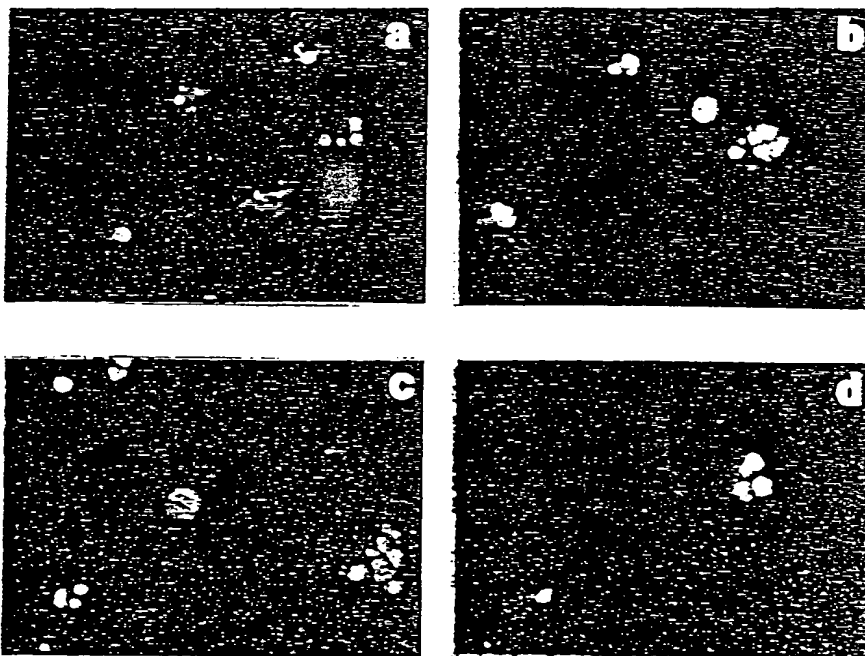
FIGURE 4A





9/27

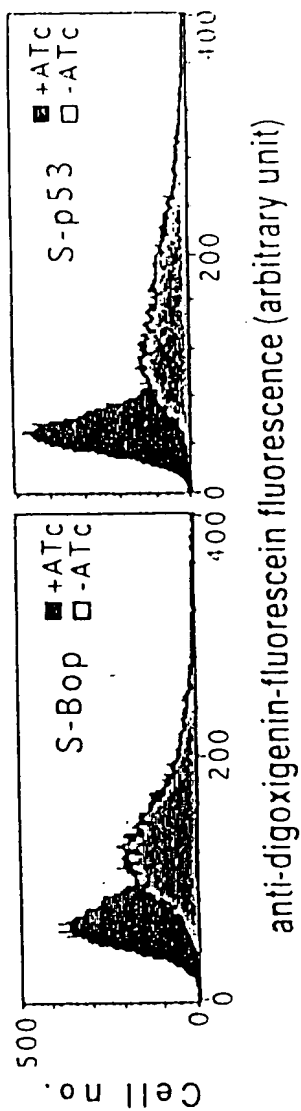
**FIGURE 4B**





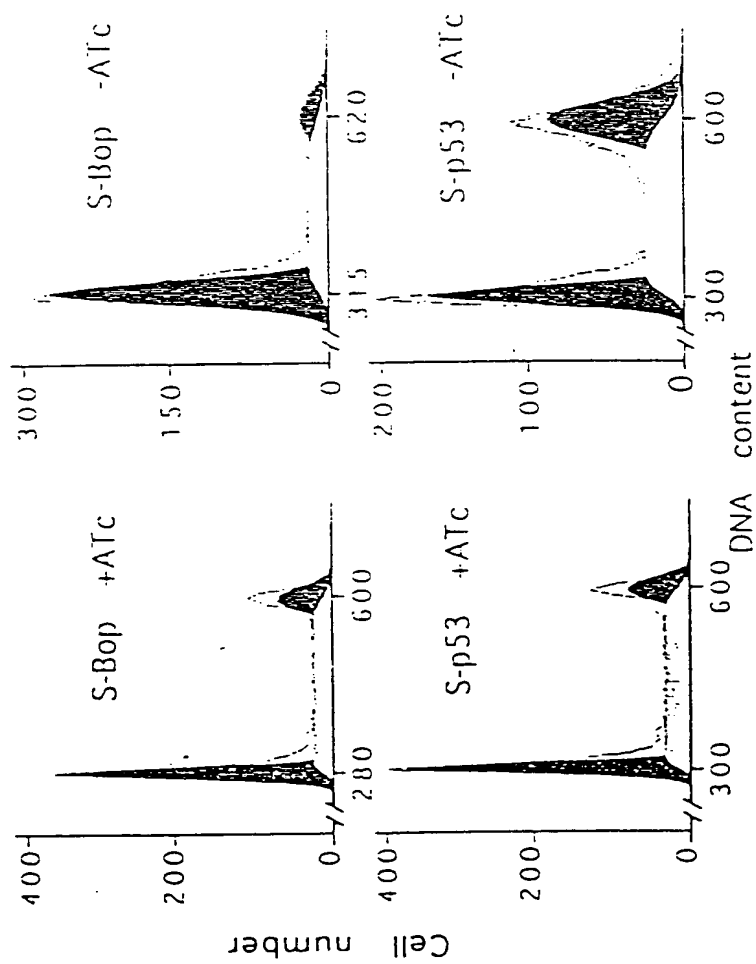
10/27

FIGURE 4C



11/27

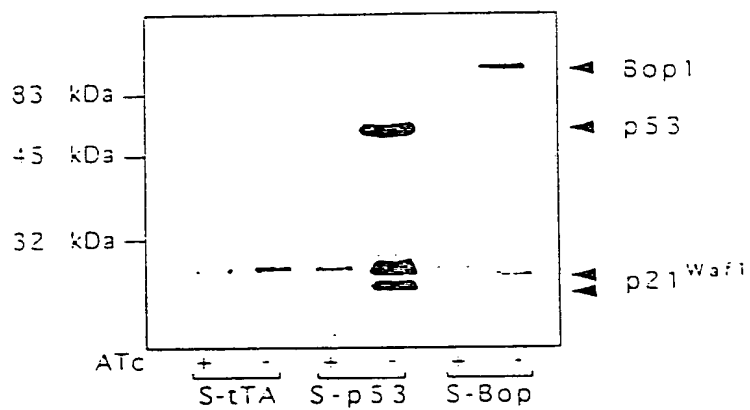
FIGURE 5A





12/27

FIGURE 5B

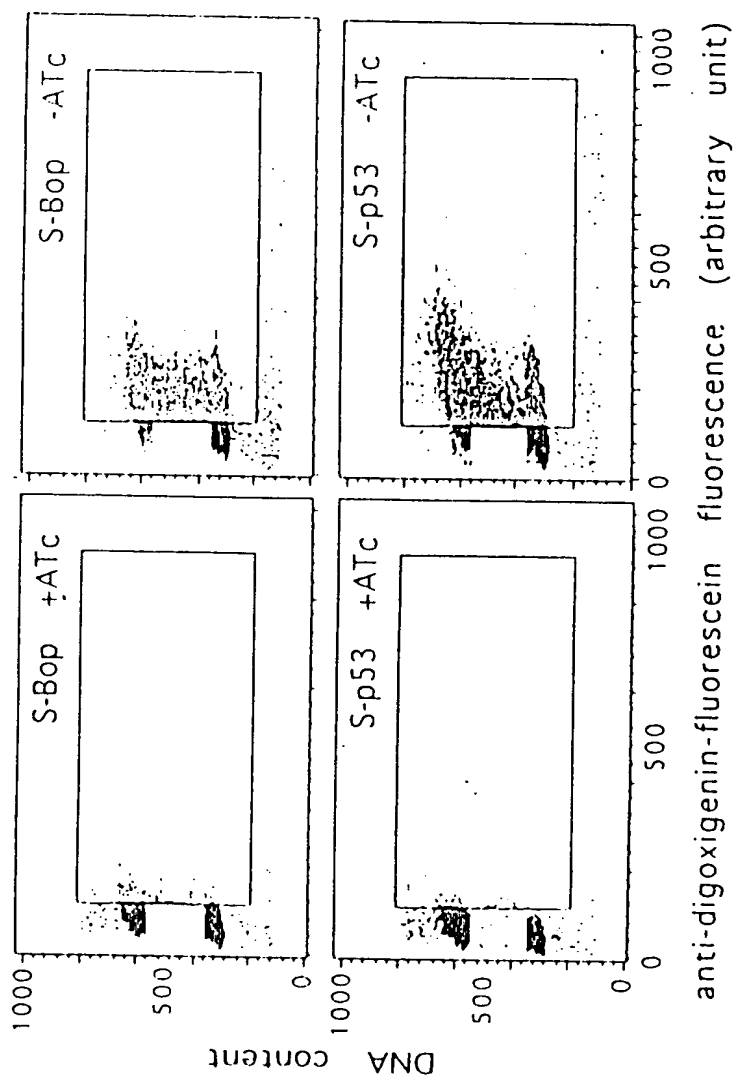






13/27

FIGURE 5C

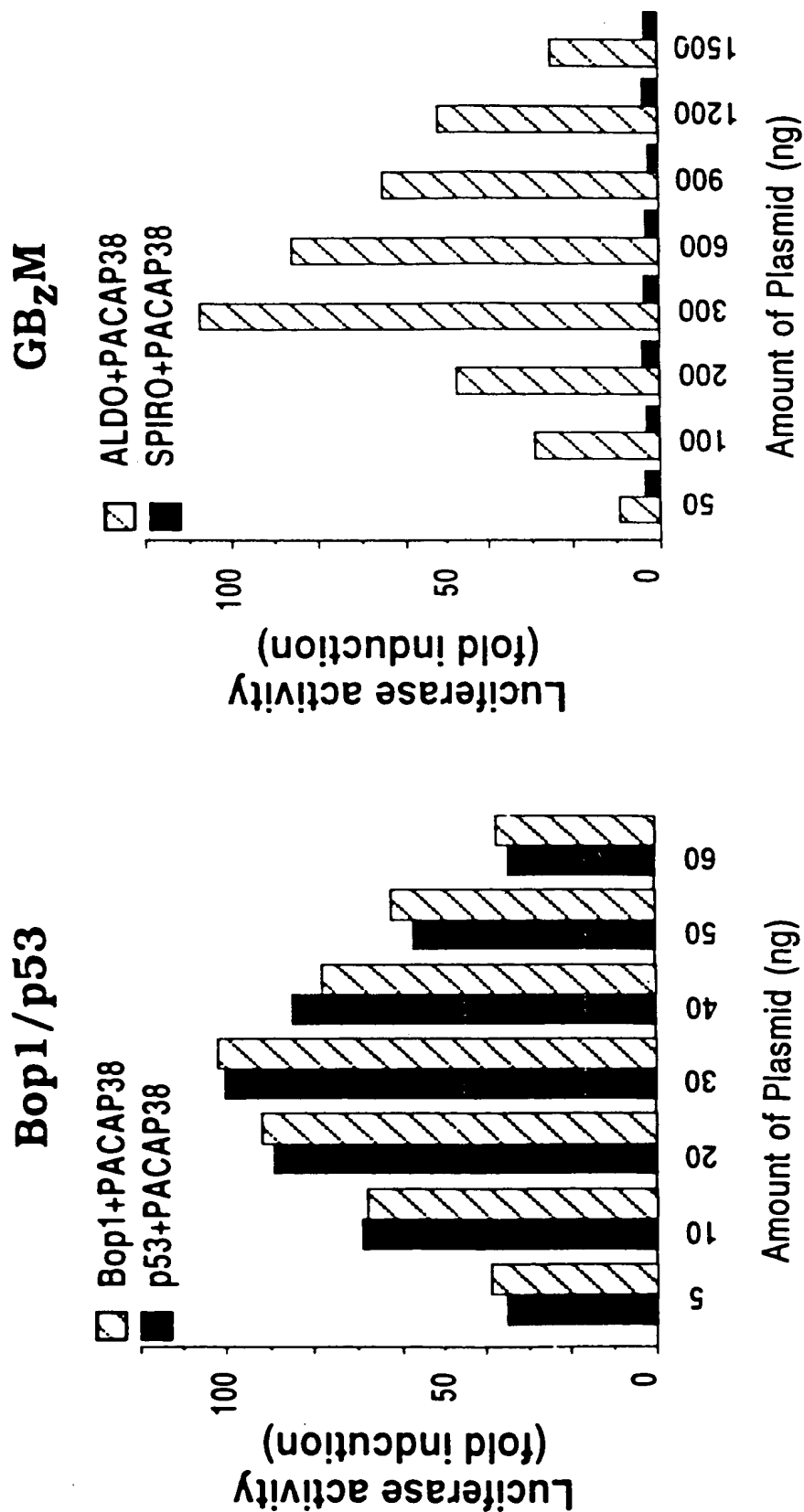






15/27

FIGURE 6B





16/27

FIGURE 6C

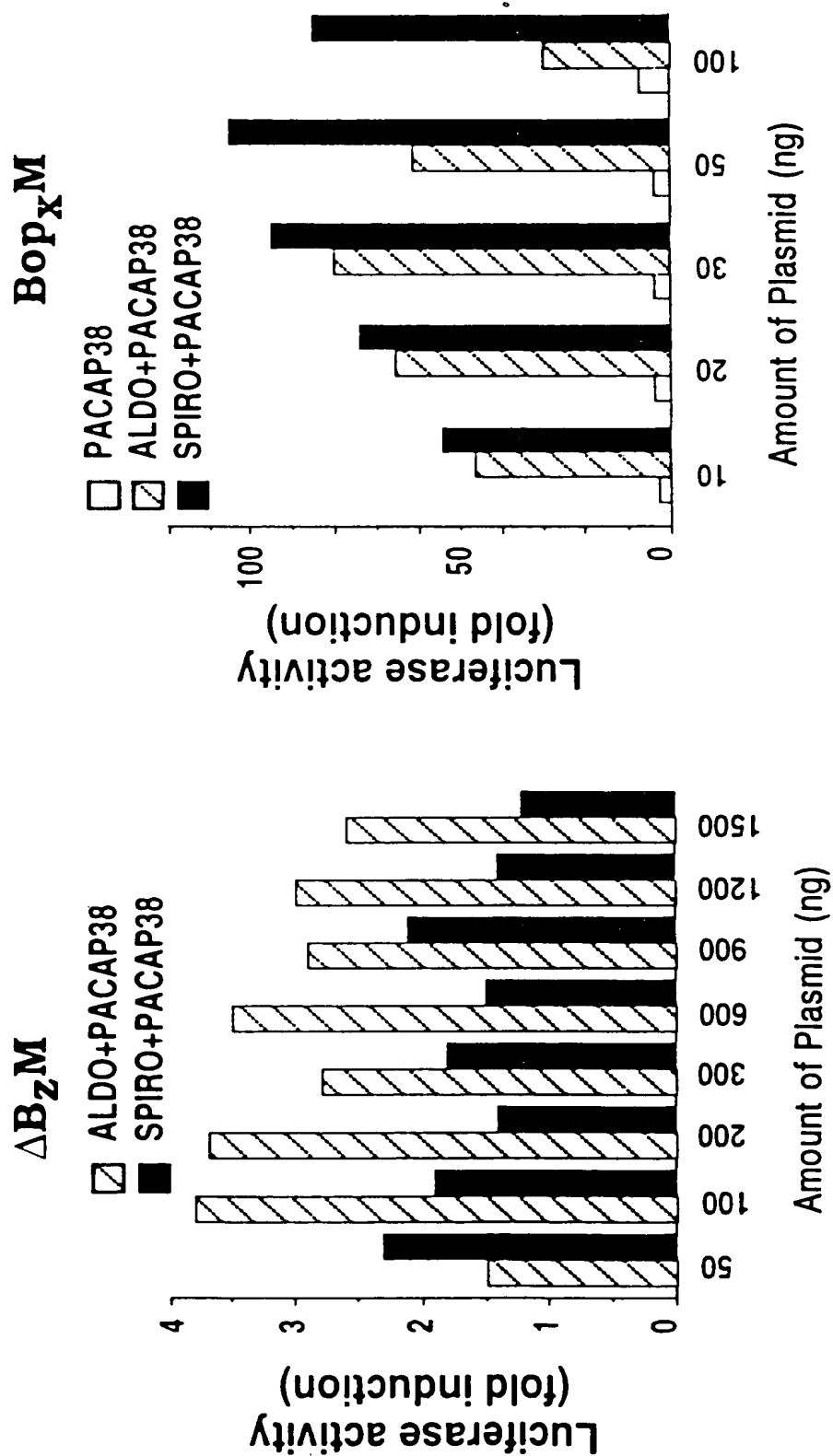
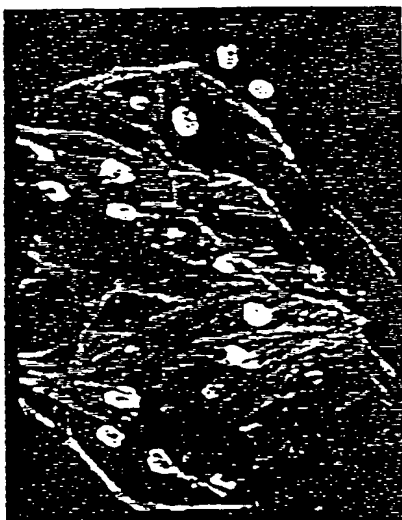
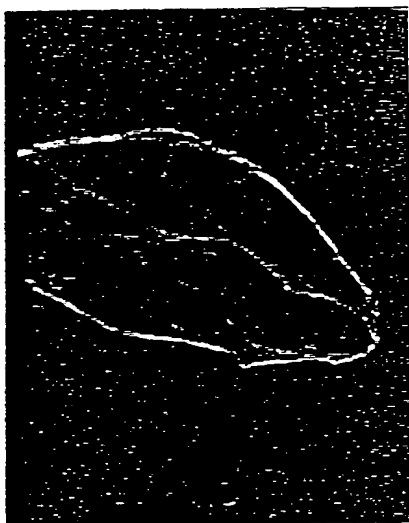


FIGURE 6D

S-Bop - ATc



S-Bop + ATc







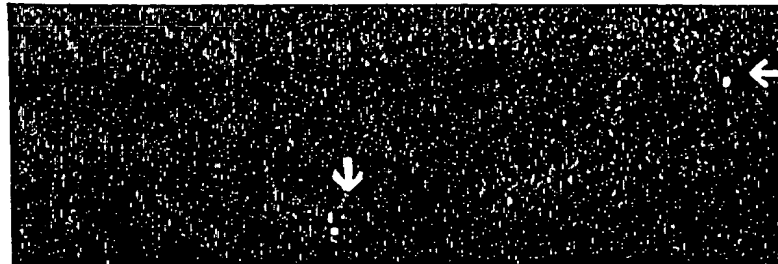
19/27

FIGURE 8B

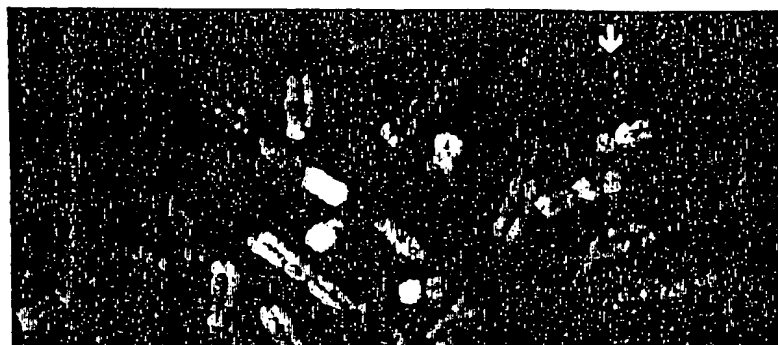
mZAC/h6q25



mZAC/m10A2



hZAC/h6q25





20/27

FIGURE 8A

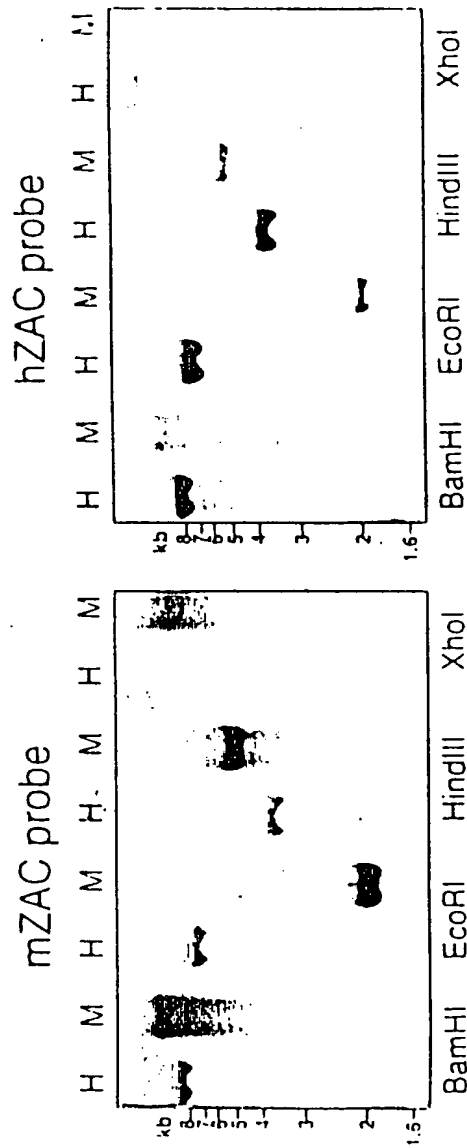




FIGURE 9

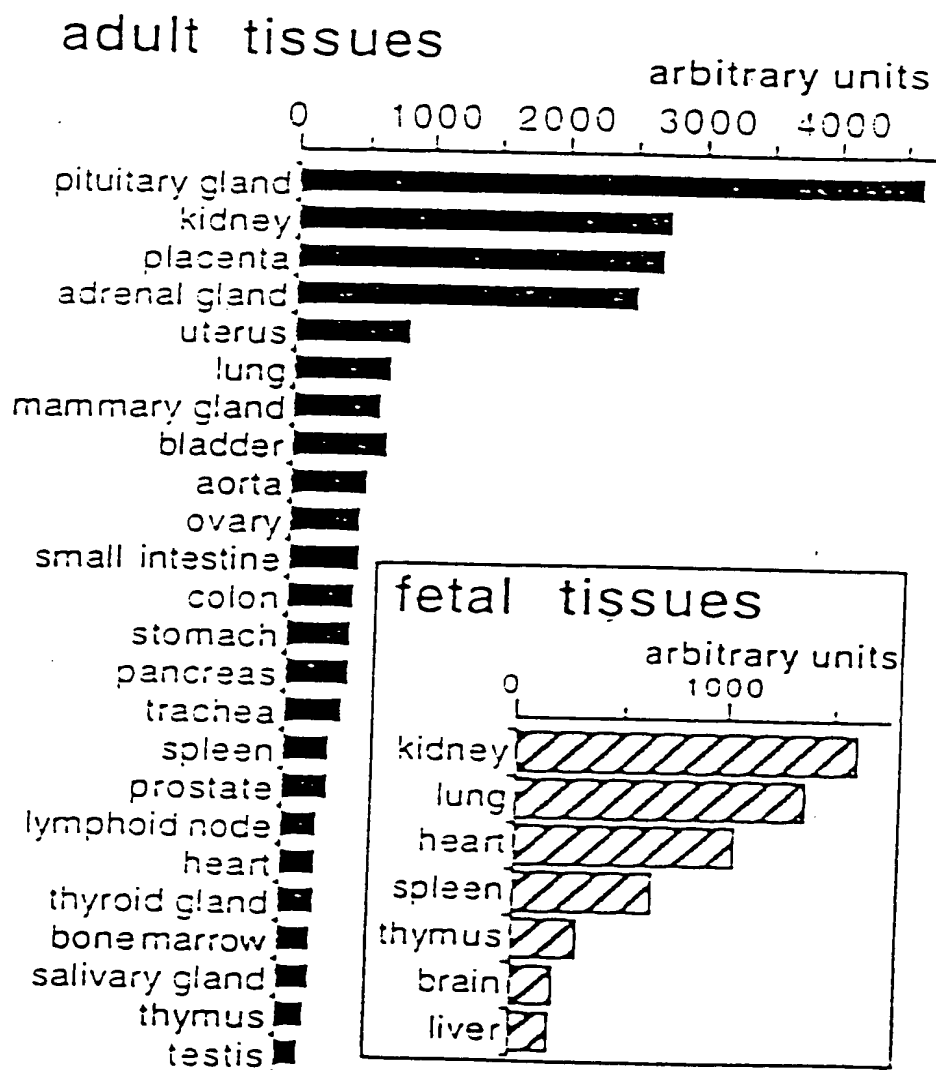
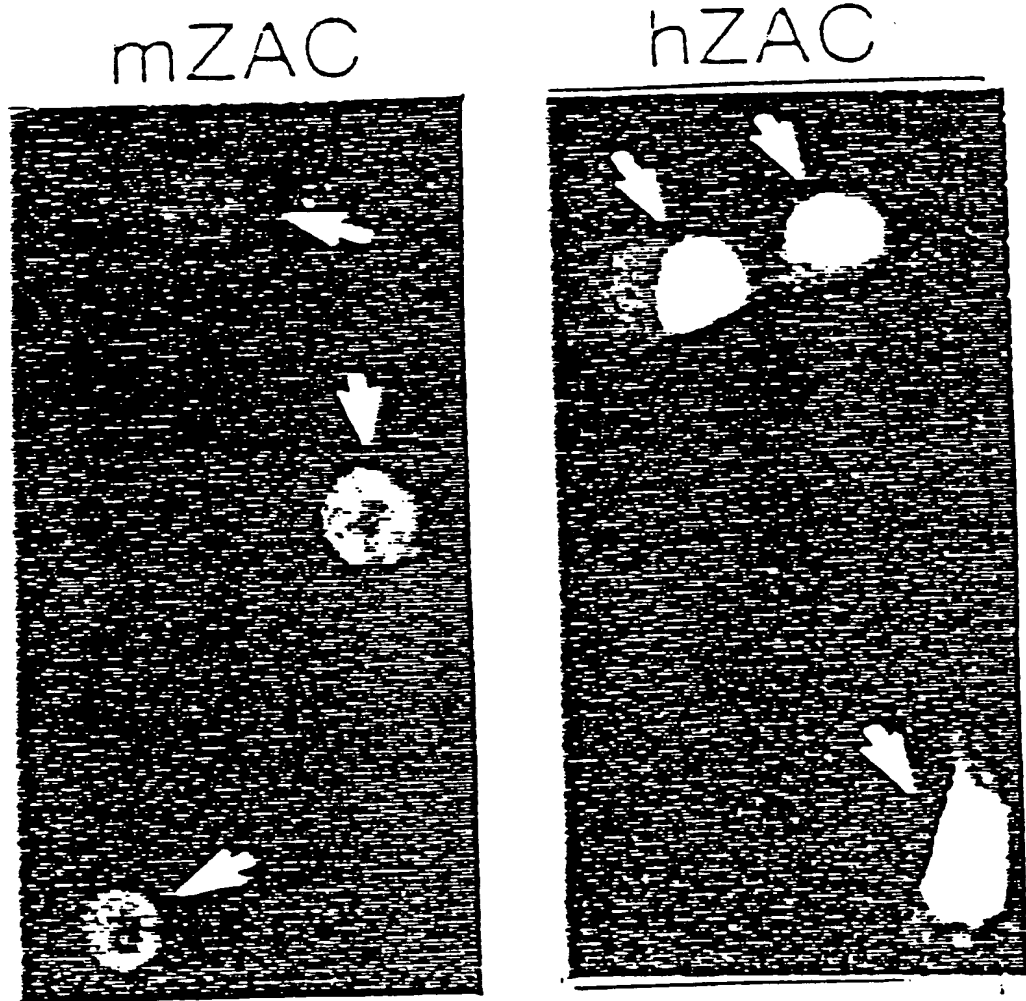
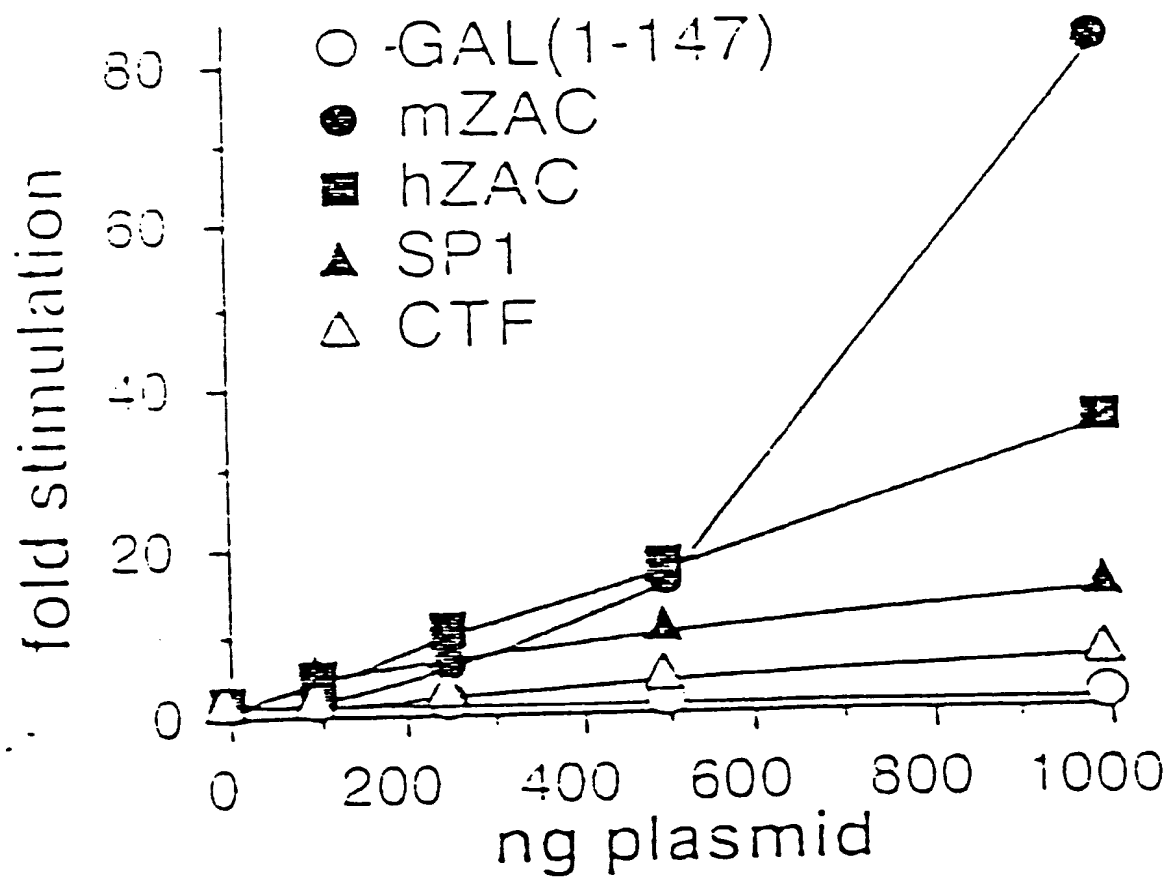


FIGURE 10A



23/27

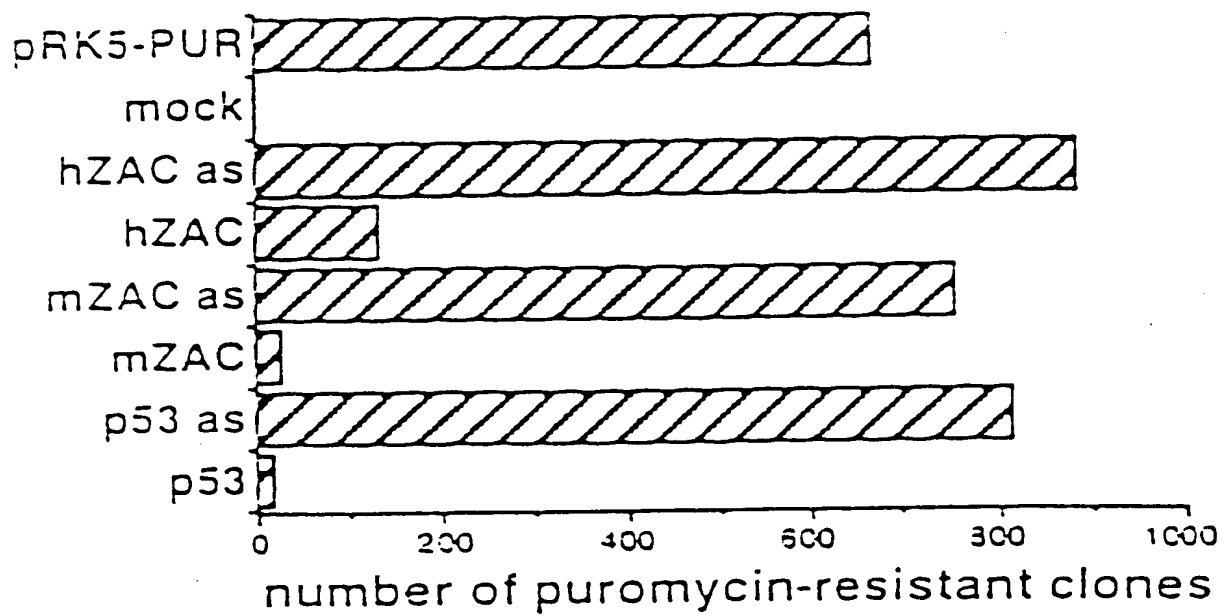
FIGURE 10B





24/27

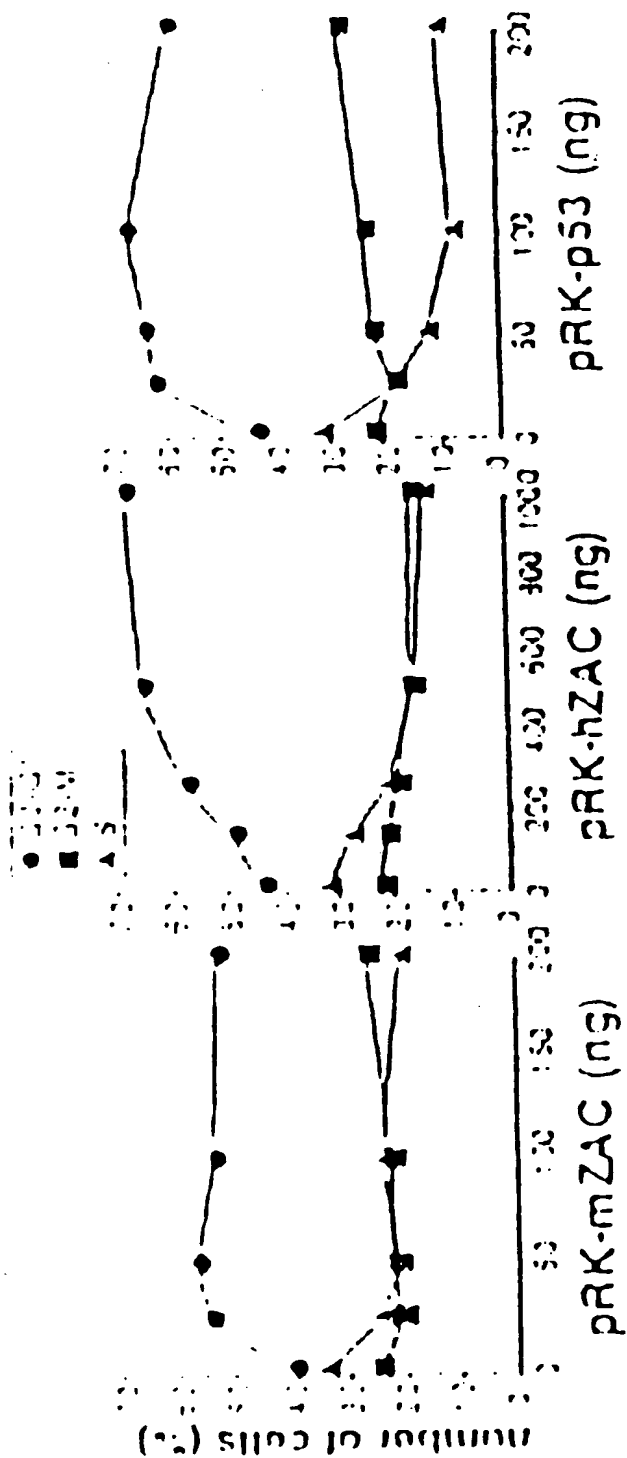
FIGURE 11





25/27

FIGURE 12A





26/27

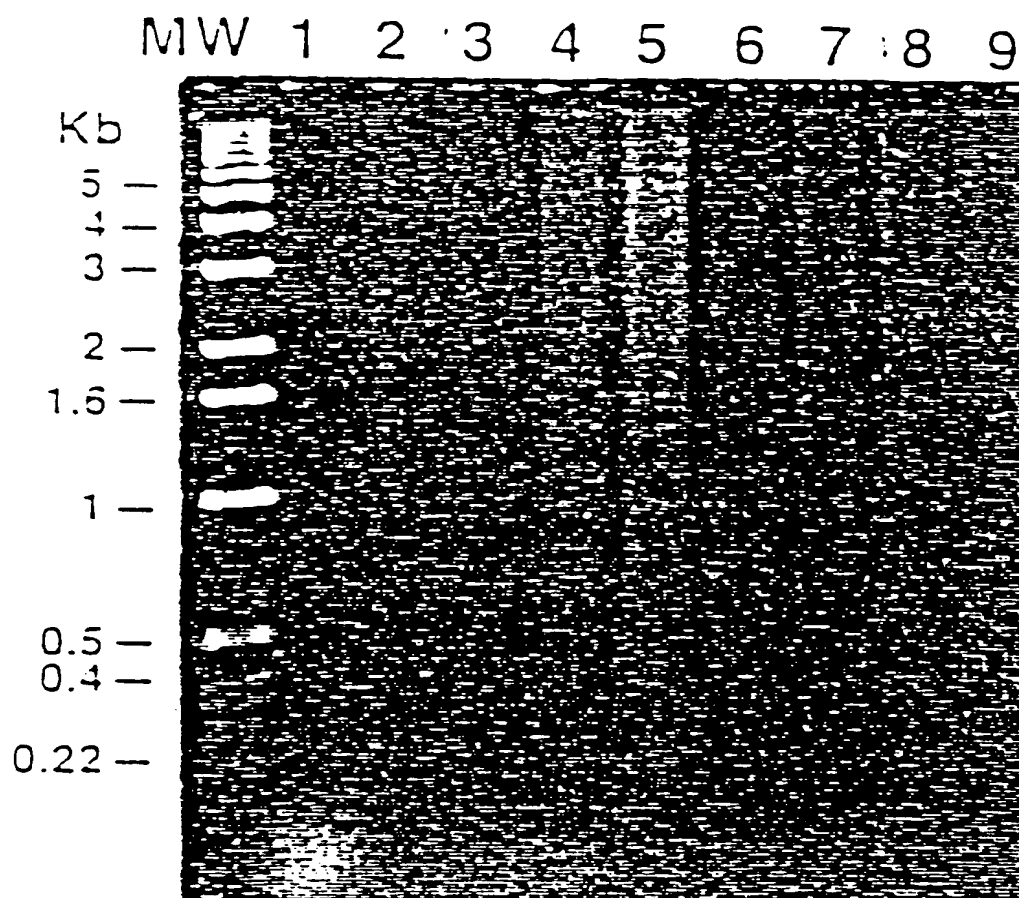
FIGURE 12B





27/27

FIGURE 13



**FILE**

Applicant Dietmar Spengler and Laurent Journot  
Client Vossius & Partner(2796) File No. 52130-A-PCT-US Atty. JPW/YG  
Date December 28, 2001

Kindly acknowledge receipt of the accompanying

Communication Forwarding Formal Drawings in connection with  
Dietmar Spengler and Laurent Journot, NUCLEIC ACID MOLECULES  
CODING FOR TUMOR SUPPRESSOR PROTEINS AND METHODS FOR THEIR  
ISOLATION, U.S. Serial No. 09/254,870, filed August 16,  
1999, including twenty-seven (27) sheets of formal drawings  
as Exhibit A, and Certificate of Mailing dated December 28,  
2001.

**Due Date: December 28, 2001**

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Docket Number	52130-A-PCT-US	Attorney	JOHN P. WHITE
Country	United States	Agent	ALAN J. MORRISON
Case Type	REGULAR CASE TYPE	Client/Division	VOSSIUS & PARTNER
Relation Type	ORIGINAL OR PATENT CASE	Current Owner	VOSSIUS & PARTNER
Filing Type	NATIONAL CASE	Previous Owner	
Filing Number			

## NUCLEIC ACID MOLECULES CODING FOR TUMOR SUPPRESSOR PROTEINS AND METHODS FOR

Inventors	License	Other No's	Related Id	Other	Related
Filing Data	Related Party Info	Actions	Description	Expenses	Related

Action	Action Due Date	Taken Date	Deadline Date	Completed Date	Responsible Att
RESTRICTION	30NO2000	30NO2000			
3 MONTH RESPONSE	05JE2001				
4 MONTH RESPONSE	05JL2001				
5 MONTH RESPONSE	05AU2001				
6 MONTH RESPONSE	05SE2001	05SE2001			
ISSUE FEE DUE	28DE2001	28DE2001			
DRAWINGS REQUIRED	28DE2001	28DE2001			
PETITION TO REVIVE	10JL2002				
FILING RECEIPT		22NO1999			
NOTICE OF		10MY2002			



Docket 52130-A-PCT-US/JPW/AJM/AHM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Dietmar Spengler and Laurent Journot  
Serial No. : 09/254,870 Examiner: C. Patterson  
Filed : August 16, 1999 Group Art Unit: 1652  
For : NUCLEIC ACID MOLECULES CODING FOR TUMOR  
SUPPRESSOR PROTEINS AND METHODS FOR THEIR  
ISOLATION

1185 Avenue of the Americas  
New York, New York 10036  
July 10, 2002

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

DECLARATION OF JOHN P. WHITE, ESQ.  
IN SUPPORT OF PETITION UNDER 37 C.F.R. §1.8(b)

I, John P. White, Esq., hereby declare as follows:

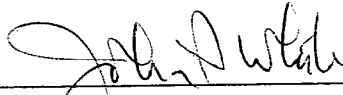
1. I am a member of the firm Cooper & Dunham LLP, attorneys for applicants.
2. I have been a partner with Cooper & Dunham LLP since February 1, 1983.
3. I am registered to practice before the Patent and Trademark Office and I am the attorney of record in the above-identified application.
4. I am the attorney who signed and submitted the December 28, 2001 Communication Forwarding Formal Drawings accompanied by formal drawings.

Applicants: Dietmar Spengler and Laurent Journot  
Serial No.: 09/254,870  
Filed: August 16, 1999  
Page 2

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1. On December 28, 2001, I caused the Communication Forwarding Formal Drawings, with a certificate of mailing dated December 28, 2001 accompanied by formal drawings, to be placed in the mailroom of Cooper & Dunham LLP.
2. There were no other steps that could have been taken to assure that the subject Communication Forwarding Formal Drawings and formal drawings were timely filed.

Dated: July 10, 2002



---

John P. White  
Registration No. 28,678  
Attorney for Applicants  
Cooper & Dunham LLP  
1185 Avenue of the Americas  
New York, New York 10036  
(212) 278-0400



**FILE**

Applicant Dietmar Spengler and Laurent Journot  
Client Vossius & Partner (2796) 52130-A-PCT-US JPW/AJM/AHM  
Date July 10, 2002 File No. \_\_\_\_\_ Atty. \_\_\_\_\_

Kindly acknowledge receipt of the accompanying

**PETITION UNDER 37 C.F.R. §1.8(b) TO WITHDRAW HOLDING OF ABANDONMENT** in connection with Dietmar Spengler and Laurent Journot for NUCLEIC ACID MOLECULES CODING FOR TUMOR SUPPRESSOR PROTEINS AND METHODS FOR THEIR ISOLATION, U.S. Serial No. 09/254,870, filed August 16, 1999, including Exhibits A-G and a Certificate of Mailing dated July 10, 2002.

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Client Vossius & Partner (2796) 52130-A-PCT-US JPW/AJM/AHM  
Date July 10, 2002 File No. \_\_\_\_\_ Atty. \_\_\_\_\_

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